

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TERRENCE LLOYD HADDIX, JR.,

No. C-12-1674 EMC (pr)

Plaintiff,

v.

**ORDER**C/O SEAN BURRIS; *et al.*,Defendants.  

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Defendants filed a motion for summary judgment on May 9, 2014. Plaintiff thereafter served discovery requests, to which he received responses not to his satisfaction. Plaintiff has moved to compel discovery and moved to stay the summary judgment motion or extend the deadline for his opposition until the discovery dispute is resolved.

Plaintiff's motion to compel is inadequate because he does not explain exactly what relief he wants from the Court. Defendant asserted several objections to the discovery requests, but did provide a response to all but one of the interrogatories, did provide a response to each of the requests for production of documents, and did provide a declaration asserting an official privilege as to some documents Plaintiff sought to have produced. Plaintiff disagrees with the objections Defendant asserted to his discovery requests, but does not explain why Defendant's responses were deficient. Plaintiff's meet-and-confer letter offers little assistance in understanding just what he wants from the Court. In his meet-and-confer letter, he belittles Defendant and defense counsel for objecting to undefined terms as being vague and ambiguous, but Plaintiff is attempting to blame Defendant for his own poor drafting skills. Defendant's objection to the vagueness and ambiguity in the interrogatories was a reasonable one, as Plaintiff had (a) used numerous terms that he did not define

1 and apparently just assumed Defendant knew, and (b) posed some very confusing questions.  
2 Interrogatory No. 1 provides a good example of both these problems as it asked, without any  
3 definition of the terms or limitation as to time: "State in detail the similarities and differences,  
4 overlap and separation in the purview and duties between IGI staff and non-IGI staff in the normal  
5 day-to-day operations in the SHU at P.B.S.P. If this purview and these duties are set forth in any job  
6 description or other document, produce the document(s)." Docket # 50 at 3 (errors in source). In his  
7 meet-and-confer letter, Plaintiff also complains that he did not receive the Soderlund Declaration  
8 that was referred to in the discovery responses. The non-receipt of that declaration is now a moot  
9 point because Plaintiff concedes he received that declaration two days after sending his meet-and-  
10 confer letter.

11 No later than **September 19, 2014**, Plaintiff must file and serve on defense counsel a  
12 supplemental statement in which he identifies each discovery response to which he wants the court  
13 to compel a further response. For each discovery response for which he seeks to compel a further  
14 response, Plaintiff must explain the specific inadequacy in the response he has received. If Plaintiff  
15 does not file the supplemental statement by the deadline, the motion to compel will be denied. If  
16 Plaintiff files a supplemental statement by the deadline, Defendant must file any opposition to the  
17 motion to compel no later than **September 29, 2014**. Plaintiff must file his reply (if any) no later  
18 than **October 7, 2014**.

19 Plaintiff's motion for a stay of the motion for summary judgment is **DENIED** because he has  
20 not made the showing necessary under Federal Rule of Civil Procedure 56(d) (nonmovant must  
21 show by affidavit or declaration "that, for specified reasons, it cannot present facts essential to  
22 justify its opposition"). (Docket # 48.) However, in order to allow time for prompt resolution of the  
23 discovery

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1 dispute, the court now extends the briefing schedule on the pending motion for summary judgment:  
2 Plaintiff's opposition to the motion for summary judgment must be filed with the Court and served  
3 upon Defendant's counsel no later than **October 27, 2014**. *No further extensions of this deadline*  
4 *should be expected*. Defendant's reply brief, if any, must be filed no later than **November 10, 2014**.

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6 IT IS SO ORDERED.

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8 Dated: September 3, 2014

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11 EDWARD M. CHEN  
12 United States District Judge  
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